

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed April 7, 2003. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim Objections

Claim 6 has been objected under 37 C.F.R. 1.75(c) as failing to further limit the subject matter of claim 1. In view of this objection, claim 6 has been cancelled.

II. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 7 and 8 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner states that claim 7 is vague in referring to "the heating roller" in that claim 1 recites two heating rollers. In view of this rejection, claim 7 has been amended to remove the ambiguity.

In view of the above described amendment, it is respectfully asserted that claims 7 and 8 currently define the invention in the manner required by 35 U.S.C. § 112. Accordingly, it is respectfully requested that the rejections to these claims be withdrawn.

III. Claim Rejections - 35 U.S.C. § 103(a)

A. Claims 1, 3-4, and 6-7

1. Statement of the Rejection

Claims 1, 3-4, and 6-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. ("Chen '250," U.S. Pat. No. 6,463,250) in view of Badesha, et al. ("Badesha", U.S. Pat. No. 5,846,642).

The rejection alleges that Chen '250 discloses Applicant's invention substantially as claimed with the exception of a hollow tube fuser roller that includes an internal heating element. The rejection concludes, however, that in view of the Badesha disclosure, it would have been obvious to a person having ordinary skill in the art to provide such a heating element. Applicant respectfully traverses this rejection.

2. Discussion of the Rejection

Affidavits from the inventors under 37 C.F.R. § 1.131 have been submitted along with the present Response that identify that the claimed invention was reduced to practice prior to the October 4, 2000, filing date of Chen '250. In view of these affidavits, Applicant respectfully submits that the rejection is moot. Therefore, Applicant respectfully requests that the rejection be withdrawn.

B. Claim 5

1. Statement of the Rejection

Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen '250 in view of Badesha as applied to claims 1, 3-4, and 6-7, and further in view of Chen et al. ("Chen '817," U.S. Pat. No. 6,312,817).

The rejection alleges that Chen '250 and Badesha disclose Applicant's invention substantially as claimed with the exception of an outer layer composed of an elastomeric material. The rejection concludes, however, that in view of the Chen '817 disclosure, it would have been obvious to a person having ordinary skill in the art to provide such layers. Applicant respectfully traverses this rejection.

2. Discussion of the Rejection

As identified above in reference to the rejections of claims 1, 3-4, and 6-7, Chen '250 is not prior art as to Applicant's claims. Accordingly, Applicant respectfully submits that the rejection of claim 5 under 35 U.S.C. § 103 is also moot and that the rejection should be withdrawn.

C. Claims 8, 10-12, and 16-18

1. Statement of the Rejection

Claims 8, 10-12, and 16-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen '250 in view of Badesha, Chen '817, and Isogai (U.S. Pat. No. 5,950,060).

The rejection alleges that Chen '250, Badesha, and Chen '817 disclose Applicant's invention substantially as claimed with the exception of a tungsten filament lamp. The rejection concludes, however, that in view of the Isogai disclosure, it would have been obvious to a person having ordinary skill in the art to provide such lamps. Applicant respectfully traverses this rejection.

2. Discussion of the Rejection

As identified above in reference to the rejections of claims 1, 3-5, and 6-7, Chen '250 is not prior art as to Applicant's claims. Accordingly, Applicant respectfully submits that the rejections of claims 8, 10-12, and 16-18 under 35 U.S.C. § 103 are also moot and that the rejections should be withdrawn.

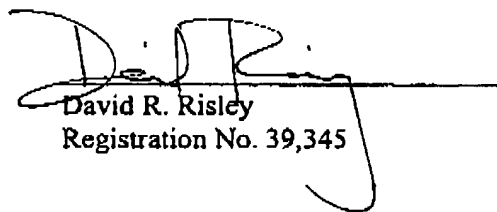
IV. Canceled Claims

As identified above, claims 6 and 17 have been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

CONCLUSION

Applicant respectfully submits that pending claims 1, 3-5, 7-8, 10-12, 16, and 18 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

July 7, 2003
Mary Morgan
Signature

**ANNOTATED VERSION OF MODIFIED CLAIMS TO SHOW CHANGES
MADE**

The following claims have been amended by deleting the bracketed ("[]") portions and adding the underlined ("___") portions.

7. (Once Amended) The system of claim 1, wherein at least one of the heating rollers comprises a hollow tube and an internal heating element.